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*CHARITABLE ORGANIZATION REGISTRATION INFORMATION
PURSUANT TO THE GEORGIA CHARITABLE SOLICITATIONS ACT OF 1988, AS AMENDED*

The Georgia Charitable Solicitations Act of 1988, as amended, O.C.G.A. Title 43, Chapter 17, regulates the solicitation and collection of charitable contributions in Georgia. Unless exempted by provisions of this Act, **organizations and individuals that solicit contributions from the public for charitable purposes are required to register with the Secretary of State**, and to disclose financial information and other facts relating to the organization. The Act allows the Secretary of State to take action against those persons and firms who violate its provisions. The following information is a general overview of the Act. Additional information may be obtained by securing a copy of the Act or contacting the Securities and Business Regulation division.

SOLICITATION - The request or acceptance directly or indirectly of money, credit, property, financial assistance, or any other thing of value to be used for any charitable purpose.

CHARITABLE ORGANIZATION - A charitable organization is any benevolent, philanthropic, patriotic or such associated group or person who solicits or obtains contributions from the general public, any part of which is used for charitable purposes. **The term charitable organization does not include religious organizations as defined below.**

RELIGIOUS ORGANIZATIONS - means an entity which:

- (A) Conducts regular worship services; or
- (B) Is qualified as a religious organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, that is not required to file IRS Form 990, Return of Organization Exempt from Income Tax, under any circumstances.

REGISTRATION - Charitable organizations that solicit funds in or from Georgia must register with the Secretary of State unless they are exempt from registration as set forth in the Act. Submit initial filing fee of \$35.00 with completed C100 application. **Nonprofit incorporation is not a requirement for registration as a charitable organization and is a process separate from charitable registration.** Persons desiring to incorporate or register an out-of-state corporation in Georgia should contact the Corporations Division at (404) 656-2817 for information.

RENEWAL OF REGISTRATION - A charitable organization registration is valid for a period of 24 months from its effective date and must be renewed on or before the expiration date. A renewal notice is mailed to the organization in the month prior to its expiration date. That notice should be signed and returned with the requested attachments, including financial statements and the renewal fee of \$20.00. The applicant is responsible for filing their renewal whether or not the notice is received. If additional time is needed to file financial statements, which are a part of the renewal, **a written request for an extension must be accompanied by the required renewal fee of \$20.00 and the renewal form. This must be received before the expiration date.** This request must specify the reason the financial statements cannot be filed and a date when such financial statements will be completed and filed.

FINANCIAL DISCLOSURES

If the organization has received or collected any charitable contributions, IRS Form 990 filed for the previous two taxable years must be attached to C100 application along with financial statements per the below criteria;

- Organizations that received or collected more than \$1,000,000 in either of its two preceding fiscal years, the financial statements for the years with such revenue level shall be prepared by an independent certified public accountant and shall be a certified financial statement of the charitable organization or a certified consolidated financial statement of the charitable organization and its subsidiaries.
- Organizations that received or collected more than \$500,000 but less than \$1,000,000 during either of its two preceding fiscal years, the financial statements for the years with such revenue level shall be reviewed by an independent certified public accountant and such certified public accountants review report, prepared in accordance with generally accepted accounting principles.
- Organizations that received or collected less than \$500,000 in either of its two preceding fiscal years, submit financial statements for such years. The financial statements do not have to be reviewed or certified.
- If the charitable organization has received less than the amount required by the IRS to file Form 990 or Form 990 EZ, financial statements that disclose the income and expenses for the fiscal years will be acceptable.
- If the charitable organization is newly formed and has not received charitable contributions; a signed statement from an officer of the organization attesting to the financial status of the organization will be accepted in lieu of financial statements.

REINSTATEMENT OF REGISTRATION - If an organization's registration expires, the C100 application and \$35.00 are required to reinstate the registration. The entire application must be filed along with the financial statements required for that filing period.

AMENDMENTS - A charitable organization must keep its registration current with the Secretary of State by amending its registration within 30 days to reflect any change to the initial registration statement. The registration form (C100) is a continuous filing form and is also used for filing amendments. The section of the form to be amended should be circled, updated and filed with the execution page (page 1) manually signed by an authorized agent and notarized.

EXEMPTIONS - Organizations exempt from registration under the Act include the following:

- **EDUCATIONAL** - Institutions and those organizations, foundations, associations, corporations, charities, and agencies operated, supervised, or controlled by or in connection with a nonprofit educational institution, provided that those organizations are qualified under Section 501 (c) (3) of the Internal Revenue Code of 1986, as amended.
- **PROFESSIONAL ASSOCIATIONS** - Professional, business and trade associations that do not solicit members or funds from the general public.
- **FRATERNAL AND SOCIAL ORGANIZATIONS** - Fraternal, civic, benevolent, patriotic and social organizations when solicitations of contributions is carried on by persons without any form of compensation and solicitation is confined to their membership.
- **NAMED INDIVIDUALS** - Persons requesting any contributions for the relief of any other individual who is specified by name at the time of the solicitation if all of the contributions collected, without any deductions whatsoever are turned over to the named beneficiary. If contributions exceed \$5,000.00, a written accounting of funds may be required.

- **\$25,000.00 EXEMPTION** - Any charitable organization which does not have any agreement with a paid solicitor and whose total revenue from contributions has been less than \$25,000.00 for both the immediately preceding and current calendar years.
- Any volunteer fire department or rescue service operating in conjunction with a city or county government in this state and which has received less than \$25,000.00 in both the immediately preceding and current calendar years.
- **HUNTERS, FISHERMEN AND TARGET SHOOTERS** - Any local or state organization of hunters, fishermen and target shooters which has been granted tax exempt status.
- **POLITICAL ORGANIZATIONS** - Political parties, political action committees and candidates for federal or state office who file financial information with federal or state election commissions.
- Local community and state-wide organizations affiliated with or acting on behalf of a registered or exempt state-wide or national parent organization by contract or agreement need not register separately with the Secretary of State.

PROVING EXEMPTIONS - In all cases, the burden of proving entitlement to an exemption falls upon the charitable organization. An organization claiming an exemption from registration as a charitable organization is advised to carefully review the wording of the Act to insure its legal operation.

DISCLOSURE REQUIREMENTS - At the time of solicitation, a charitable organization is required to disclose its name and location, and state that a full description of the charitable program and financial statement will be sent upon request.

FEDERAL TAX CONSIDERATIONS - The Secretary of State does not provide tax advice to charitable organizations. For information relating to federal tax laws, tax-exempt or nonprofit status contact the Internal Revenue Service at 1-877-829-5500 or www.irs.gov. For information concerning state tax exemptions contact the Georgia Department of Revenue at 404-656-7043 or www.dor.ga.gov.

LOCAL ORDINANCES - A charitable organization should contact the applicable city and county governments to determine what, if any, local ordinances apply to its activities.

RAFFLES AND BINGO GAMES - If the organization wishes to conduct a raffle, the sheriff's office of the county in which the organization is located must be notified. Information regarding bingo games should be directed to the Georgia Bureau of Investigation.